

## BYWATERS CASE CALLED BEFORE CORONER'S JURY

*Investigation of Tragedy at Culpeper Begins  
at Noon With Sister of Victim's  
Wife as First Witness.*

CULPEPER, Va., Dec. 19.—Crowded within a narrow room fifteen feet in width, the coroner's jury resumed its investigation of the Bywaters and Strother tragedy today.

Mrs. E. L. Gaines, a sister of the dead man's wife, and who was in the room at the time of the shooting, was first sworn. She said in substance: "I arrived at my brother's home after the marriage took place. I went immediately to my sister's room and found her crying bitterly. She said: 'Oh, Nellie, why did they make me marry him?' I tried to comfort her as best I could, and then told her I would have to return home as my children were sick, and I told her that her husband should stay."

"I then came back and talked with my brother, James and Philip, about his wanting to leave Viola, they said he would have to stay, as a husband should, and nurse her as those were conditions under which he married her, and he must abide by them. My brother told him beforehand he must marry my sister, nurse, and care for her, and live with her or take the consequences. He agreed to these conditions. Then one of the brothers started up, stairs to tell him he would not leave."

"I went upstairs and saw my sister holding to Bywaters. Just as I got in he darted by me downstairs. I cried to my brothers that he had gone. Then my husband, Mr. Gaines, pulled him back into the room as he was running out, and as soon as my husband let him go he darted for the window, and as he went out of the window the boys began firing. There was not a shot fired in the room."

"During the entire time of my testimony the room was as still as death. In reply to a question by the coroner, Mrs. Gaines stated that all the shots were fired through the same window. Coroner Lewis then exhibited a map of the room, which was explained by the witness. In reply to a question as to the cause of two spots of blood found on the bedroom floor, she explained that they were not from the dead man's body, but had gotten there the day before, during her sister's illness."

"Who fired the shots?" asked the commonwealth attorney. "I don't know how many each fired."

"Did they run toward the window and fire after he went through the window?" was asked.

"I don't know," she replied, "but I think all the shots were fired as he went through the window on to the roof. It was dark outside, and the boys were fired as he went through the window."

"I saw he would make trouble and took my husband on the front porch."

## SHORT OF MEN FOR BIG TASK IN THE SLUMS

—Dr. Woodward's Plea

Health Officer Finds Inspectors Have Work Enough Arising From Complaints.

Determined to investigate whether the District officials have been derelict in their work of reporting and abating nuisances, Commissioner Macfarland yesterday instructed Dr. W. C. Woodward, the Health Officer, to make a personal investigation of Snow's court.

The Health Officer makes the following report:

Washington, December 18, 1906. Hon. H. B. F. Macfarland, Commissioner, D. C.

Sir: I have the honor to acknowledge the receipt of your instructions of this date, requesting a report upon the following portion of an editorial in the Times of December 17, 1906:

"The existence anywhere in the District of such revolting conditions as are ascribed to Snow's court and L street"

(Continued on Third Page.)

## THE WEATHER REPORT.

Fair weather has prevailed in all districts, except the north Pacific Coast States and the Gulf States, where there has been more or less rain.

## TEMPERATURE.

9 a. m. 30  
12 noon 31  
1 p. m. 34

## DOWNTOWN TEMPERATURE.

(Registered Atkin's Standard Thermometer.)  
9 a. m. 23  
12 noon 24  
1 p. m. 26

## SUN TABLE.

Sun sets tomorrow 4:41 p. m.  
Sun rises tomorrow 7:16 a. m.

## TIDE TABLE.

High tide today 11:13 p. m.  
Low tide today 5:29 p. m.  
Low tide tomorrow 5:28 a. m., 6:29 p. m.

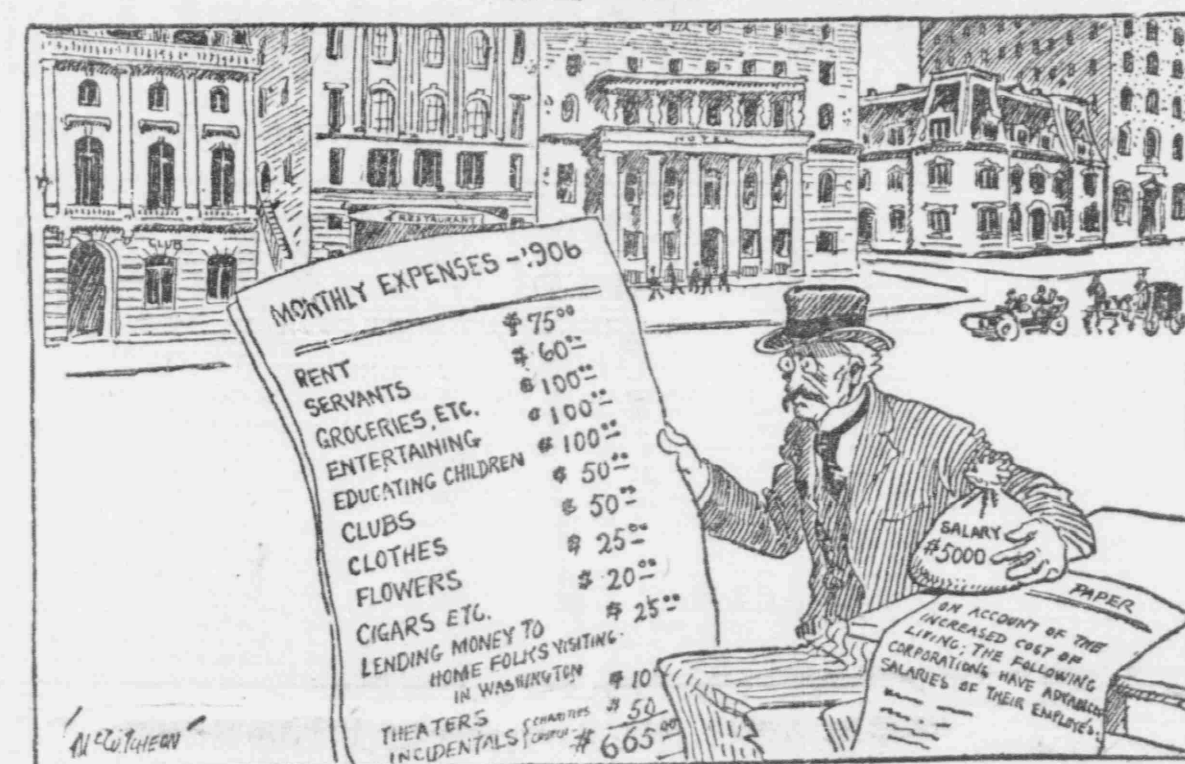
HARPER'S FERRY, W. Va., Dec. 19.—Both rivers clearing.

Pennsylvania Railroad Holiday Special Train, Dec. 20th. The Chicago Limited, Solid Pullman train of drawing room and compartment sleepers, diner, observation car and club smoker, all electric lighted, will leave Washington 5:45 p. m., Dec. 20th, running through to Chicago, arriving at 4:00 p. m. No extra fare.—Adv.

## Congressional Salaries



Washington in 1874.



Washington in 1906.

—From the Chicago Tribune.

## MRS. M'SHERRY ASKS DAMAGES OF MRS. HENLEY

It Is Said \$50,000 Is Sum  
Wanted for Alienation  
of Husband's Love.

FREDERICK, Md., Dec. 19.—Mrs. Cornelia Ringgold McSherry has filed a suit for divorce from her husband, James Roger McSherry, a son of Chief Justice McSherry, of the Maryland court of appeals.

Mr. and Mrs. McSherry were married October 29, 1896, in the parlors of the Jesuit novitiate, this city, by the Rev. William H. Sumner, S. J. They have five daughters, the eldest being fourteen years old, and the youngest three months old. Mrs. McSherry was the eldest daughter of the late Charles W. Ross, who was one of the most prominent citizens of Frederick.

Asks \$50,000 Damages.

In addition to the suit for divorce Mrs. McSherry filed a suit for damages against Mrs. James Henley. No statement of the grounds for this suit was filed, but it is understood that the suit is for alienation of the affections of McSherry and the damages asked will be \$50,000.

Mrs. Henley is the divorced wife of James Henley, whom she married some years ago in Washington. She secured a divorce after coming to Frederick county to live with her father, Col. James A. August, formerly of Richmond, Va. It is said Mr. McSherry secured the divorce for Mrs. Henley.

During a greater portion of the summer Mrs. Henley has been in New York and other Northern cities, and it is said that Mr. McSherry has been absent from Frederick a great deal during the past six months. Mrs. Henley is now in Frederick, having been called here on account of the illness of her father. She is a beautiful blonde, and it is said was formerly an artists' model in New York, and an actress.

Suit Creates Sensation.

The divorce proceedings created a sensation, as both Mr. and Mrs. McSherry are well known in society. Neither of the parties will make any statements. Mrs. McSherry and her five children have been living at the home of her mother, Mrs. Charles W. Ross, in this city, for the past four months.

Mr. McSherry has also filed a deed of trust, conveying all of his property to Emory L. Colburne.

Mr. McSherry is vice president of the Frederick and Middletown electric railroad, and is also interested in the Baltimore and Frederick electric railroad; counsel for the Baltimore and Ohio railroad, secretary of the Frederick County Agricultural Society, and identified with other enterprises.

Fast Morning Train to Philadelphia and New York leaves Washington every weekday at 8:30 a. m. via Pennsylvania Railroad. Broker, buffet, parlor car.—Adv.

## TAFT BACKS PRESIDENT IN SOLDIERS' DISMISSAL

Secretary of War Says "New Evidence" Did Not Show  
Any Reason Why Men Should Remain  
in Army.

Accompanying the President's message to the Senate on the Brownsville affair, is a letter from Secretary Taft, transmitting the data requested of the War Department, and commenting upon the alleged "new evidence" submitted to the Secretary by the "Constitution League of the United States."

Says the Secretary:

"I have examined the new evidence with care and I do not find that there is anything contained in it which should lead to a different conclusion of fact from that stated in my annual report."

"The affidavit contains, in substance, the same denials of complicity or knowledge by the enlisted men that were made to the inspecting officers, together with evidence intended to show that there was an opportunity for persons not in the battalion to disguise themselves in the cast-off uniforms of the enlisted men and to secure empty cartridge shells and throw them on the streets of the town."

"The suggestion that a body of men, sharing the hostility of the people of the town, should dress themselves in the cast-off clothing of the colored soldiers, should visit the army target range, some fifteen or twenty miles from the post, for the purpose of obtaining used cartridge shells and clips, and then go through the town firing from 100 to 150 shots into houses where women and children were likely to be killed; should actually kill one man and attack the police of the town and nearly kill its lieutenant, and should then sprinkle the streets of the town with the purpose of making a case of murder and riot against the colored troops, and of thus securing their removal in the interest of the townspeople whose lives had been thus taken or endangered, is so grotesque in its improbability and absurdity as hardly to call for discussion or comment."

The Secretary upholds vigorously the right of the President "to discharge without honor" any soldier whose service has not been honest and faithful, citing the statutes governing discharges and the various rulings of the War Department in like instances.

Answering Senator Foraker's argument that the President had no right to issue the order in question because, if he had, he might with equal right, discharge the entire army, Secretary Taft says: "There is a clear distinction between disbanding a company, a battalion, or a regiment, and the discharge of certain of its members. This order named the persons who were discharged and did not embrace all members of the three companies."

## FRENCH GIRLS FIND A NEW OCCUPATION FOR WOMEN

Wherever you find them, French girls are always interesting—always different. And in this new occupation for women, about which an article, illustrated in colors, will appear in the Magazine Section of next Sunday's Washington Times, the French girls are as interesting as they are everywhere else. We do not expect this new occupation—which is cab driving—will appeal strongly, as a means of livelihood, to American women, but all women—and, incidentally, the men—will be glad to know how the French girls have gone about it to add one more picturesque feature to the boulevards of picturesque Paris.

Buy Next Sunday's Times

"The punishment meet for mutineers and murderers, such as those guilty of the Brownsville assault, is death."

## NEGRO TROOPS OUT FOR GOOD; ARE TRAITORS

—President Roosevelt, in Special Message to Senate.

Chief Executive Sends a Scathing Report on  
Brownsville Rioting, Calling the  
Soldiers Murderers.

"There is no question as to the murder and the attempted murders."

"There is no question that some of the soldiers were guilty thereof."

"There is no question that many of their comrades privy to the deed have combined to shelter the criminals from justice."

"These comrades of the murderers, by their own action, have rendered it necessary either to leave all the men, including the murderers, in the army, or to turn them all out."

In response to Senate resolution of December 6 addressed to me, and to the two Senate resolutions addressed to him, the Secretary of War has, by my direction, submitted to me a report which I herewith send to the Senate, together with several documents, including a letter of General Nettleton and memoranda as to precedents for the summary discharge or mustering out of regiments or companies, some or all of the members of which had been guilty of misconduct.

I ordered the discharge of nearly all the members of Companies B, C, and D of the Twenty-fifth Infantry by name, in the exercise of my constitutional power and in pursuance of what, after full consideration, I found to be my constitutional duty as Commander-in-Chief of the United States Army. I am glad to avail myself of the opportunity afforded by these resolutions to lay before the Congress the following facts as to the murderous conduct of certain members of the companies in question and as to the conspiracy by which many of the other members of these companies saved the criminals from justice, to the disgrace of the United States uniform.

"THE SAME ACTION WOULD HAVE BEEN  
TAKEN HAD THE TROOPS BEEN WHITE"

I call your attention to the accompanying reports of Major Augustus P. Blockson, of Lieut. Col. Leonard A. Lovering, and of Brig. Gen. Ernest A. Garlington, the inspector general of the United States Army, of their investigation into the conduct of the troops in question. An effort has been made to discredit the fairness of the investigation into the conduct of these colored troops by pointing out that General Garlington is a Southerner. Precisely the same action would have been taken had the troops been white—indeed, the discharge would probably have been made in more summary fashion. General Garlington is a native of South Carolina; Lieutenant Colonel Lovering is a native of New Hampshire; Major Blockson is a native of Ohio.

As it happens, the disclosure of the guilt of the troops was made in the report of the officer who comes from Ohio, and the efforts of the officer who comes from South Carolina were confined to the endeavor to shield the innocent men of the companies in question, if any such there were, by securing information which would enable us adequately to punish the guilty.

"RESENT WITH INDIGNATION ATTEMPT  
TO DRAW ANY LINE AMONG THEM"

But I wish it distinctly understood that the fact of the birthplace of either officer is one which I absolutely refuse to consider. The standard of professional honor and of loyalty to the flag and the service is the same for all officers and all enlisted men of the United States Army, and I resent with the keenest indignation any effort to draw any line among them based upon birthplace, creed, or any other consideration of the kind. I should put the same entire faith in these reports if it had happened that they were all made by men coming from some one State, whether in the South or the North, the East or the West, as I now do, when, as it happens, they were made by officers born in different States.

Major Blockson's report is most careful, is based upon the testimony of scores of eyewitnesses—testimony which conflicted only in nonessentials and which established the essential facts beyond chance of successful contradiction. Not only has no successful effort been made to traverse his findings in any essential particular, but, as a matter of fact, every trustworthy report from outsiders amply corroborates them, by far the best of these outside reports being that of Gen. A. B. Nettleton, made in a letter to the Secretary of War, which I herewith append. General Nettleton being an ex-Union soldier, a consistent friend of the colored man throughout his life, a lifelong Republican, a citizen of Illinois, and Assistant Secretary of the Treasury under President Harrison.

Troops and Citizens  
Had Had Difficulty

It appears that in Brownsville, the city immediately beside which Fort Brown is situated, there had been considerable feeling between the citizens and the colored troops of the garrison companies. Difficulties had occurred, there being a conflict of evidence as to whether the citizens or the colored troops were to blame. My impression is that, as a matter of fact, in these difficulties there was blame attached to both sides; but this is a wholly unimportant matter for our present purpose, as nothing that occurred offered in any shape or way

an excuse or justification for the atrocious conduct of the troops when, in lawless and murderous spirit, and under cover of the night, they made their attack upon the citizens. The attack was made near midnight on August 13. The following facts as to this attack are made clear by Major Blockson's investigation and have not been, and, in my judgment, can not be, successfully controverted. From nine to fifteen or twenty of the colored soldiers took part in the attack. They leaped over the walls from the barracks, and hurried through the town. They shot at whomsoever they saw moving, and they shot into houses where they saw lights. In some of these houses there were women and children, as the would-be murderers must have known. In one house in which there were two women and five children, as the would-be murderers knew, they fired at a height of about four and a half feet above the floor, one putting out the lamp upon the table. The lieutenant of police of the town heard the firing and rode toward it. He met the raiders, who, as he stated, were about fifteen colored soldiers. They instantly started firing upon him. He turned and rode off, and they continued firing upon him until they had killed his horse. They shot him in the right arm (it was afterwards amputated above the elbow). A number of shots were also fired at two other policemen. The raiders fired several times into a hotel, some of the shots being aimed at a guest sitting in a window. They shot into a saloon, killing the bartender and wounding another man. At the same time other raiders fired into another house in which women and children were sleeping, two of the shots going through the mosquito bar over the bed in which the mistress of

(Continued on Ninth Page.)

Special Chicago Service, Pennsylvania Railroad. To accommodate heavy Holiday travel the 5:45 p. m. Chicago Limited, December 20th, will run through as a solid Pullman train from Washington, carrying drawing room and compartment sleepers, diner, observation car and club smoker. No extra fare.—Adv.